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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/040,799
Filing Date: January 07, 2002
Appellant(s): FREY ET AL.

Leonard E. Frey et al.
For Appellant

MAILED

JUN 06 2007

Technology Center 2100

EXAMINER'S ANSWER

This is in response to the "***second supplemental appeal brief***" filed on
4/6/2007 appealing from the Office action mailed on 9/22/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 3/7/2005 has been entered, The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect because, subsequently, examiner "re-opened" prosecution and mailed "non-final" office action on 9/22/2006.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,405,220	Broderson
6,292,827	Raz

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1,8,15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the specification **Fig 4A-4B description is not provided related to "one or more transaction, each having a key and a detail" as claimed in claim 1,8,15.** In the specification, although at page 10, line 21-23 merely states fig 4 shown key and detail, also fig 3B do not show element numbers

Claims 2-7,9-14,16-19 depend from claims 1,8,15 respectively also rejected in the analysis above.

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1, 8, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what is meant by "one or more transaction, each having a key and a detail". Examiner assumes transactions in a database related to record identifier and other attributes in the office action and treated in the present office action.

Claims 2-7, 9-14, 16-19 depend from claims 1, 8, 15 respectively also rejected in the analysis above.

No new matter should be entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen et al., [hereafter Brodersen], US Patent No. 6405220 filed on July 6, 2001 in view of Raz, US Patent No. 6292827

6. As to Claims 1, 8, 15, Brodersen teaches a system which including 'processing transactions' [col 3, line 5-11], processing transactions corresponds to transactions

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entering into transaction log, creating transaction files to other workgroup user clients as detailed in col 3, line 5-11

'providing a plurality of processing databases each having a respective agent' [fig 9, col 15, line 27-36], plurality of processing databases corresponds to fig 9, elements 3, 23a, 305 and their respective agent corresponds to fig 9, element 315

'providing a transaction database' [col 15, line 37-43, line 58-65], transaction database corresponds to transactions in the transaction log as detailed in col 15, line 58-65

'writing one or more transactions, each having a key and a detail, from a first of said plurality of processing databases to said transaction database' [col 10, line 8-13, line 59-64] Brodersen specifically teaches writing transaction log to nodes, particularly function of log on a node is to record a transaction for propagation to central system as detailed in col 10, line 8-13;;

'periodically searching, using a processing agent from a second of said plurality of processing databases' [col 16, line 5-11], Brodersen specifically teaches multi-user docking clients that allows processing data between multiple user databases and master database as detailed in col 16, line 5-11; 'transaction database for a key and detail to determine whether said processing agent should process said one or more transactions' [col 16, line 21-26] Brodersen specifically teaches creating transaction in local database, entering the transaction into transaction log and processing transactions as detailed in col 16, line 21-26;

'updating a record in said second of said plurality of processing databases, by using said key and detail' [col 16, line 37-40], Brodersen specifically teaches transaction log entries are copies on the master database and updating the transaction into master database as detailed in col 16, line 37-40.

It is however, noted that Brodersen does not specifically teach 'databases of plurality of types', plurality of databases having a different type than said first of said plurality of databases', although Brodersen teaches distributed transactional databases that allows multiple workgroup user clients, updating transaction log or files between headquarter master database and workgroup database as detailed in fig 9, col 15, line 15-26. On the other hand, Raz specifically teaches 'databases of plurality of types' [col 9, line 31-35], databases plurality of types corresponds to Raz's RDBMS and non-RDBMS as detailed in col 9, line 31-35; 'plurality of databases having a different type than said first of said plurality of databases' [fig 4, col 7, line 52-54, col 9, line 31-35], different type of databases corresponds to relational databases and non-relational databases because JDBC supports open data base connection and a standard way of interfacing with different types of databases as detailed in col 7, line 52-54.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Raz into Brodersen et al. because both Raz, Brodersen are directed to distributed databases, more specifically Brodersen is directed to database management system including master database server and work group user client databases, creating transaction files and updating the transaction into

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workgroup databases [fig 9, Abstract], while Raz is directed to dynamically distribution of data and management of information, more specifically, dynamically re-distributing data between data servers and clients [see Abstract, col 3, line 28-35].

One of the ordinary skill in the art at the time of applicant's invention would have been motivated to combine the references because that would have allowed users of Brodersen et al. to use Raz's "open data base connection or "ODBC" protocol that establishes a standard way of interfacing with different types of databases [Raz: col 7, line 52-54], more specifically connecting both relational database and non-relational database that permits an exchange of information between client and server databases, furthermore dynamically controls the location, access and transfer of information between client and servers in a network system as suggested by Raz [col 1, line 55-67], bringing the advantages of reliable network for information or database transactional information, and improving the performance of the dynamic distribution information [col 1, line 34-36].

7. As to Claim 2,9,16, Brodersen teaches a system which including 'transaction database is a messaging database' [col 5, line 8-15, fig 1].

8. As to Claim 4, 11,18, Brodersen teaches a system which including 'one or more transactions has a processor designation specifying which of said plurality of processing

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databases is affected by said each of said one or more transactions' [col 5, line 18-26, line 49-55].

9. As to Claims 6,13, Brodersen teaches a system which including 'transferring said one or more transactions from said transaction database to said second of said plurality of processing databases prior to said step of updating a record' [col 8, line 51-67, col 9, line 1-4, col 10, line 37-50]

10. As to Claims 7,14,19, Brodersen teaches a system which including 'setting a status flag in said one or more transactions' [col 11, line 1-17].

11. As to Claim 3, 10, Raz teaches a system which including 'transaction database, is a LOTUS NOTES database and said plurality of processing databases are adapted to read said LOTUS NOTES database' [fig 4, col 8, line 39-42].

12. As to Claim 5, 12,17, Brodersen disclosed 'key includes a wildcard character' [col 16, line 62-67].

(10) Response to Argument

a) At page 6, claims, 1,8,15, first paragraph, applicant argues that “appellants disagree. Support for one or more transactions each having a key and a detail of claims 1,8,15 is found in the specification page 10, line 5-7, further description of key and detail is given on page 9, line 1-11. Appellants position is that one of ordinary skill in the relevant art could practice claims 1,8,15 based on such description.

As to the above argument [a], examiner disagree with the applicant, because firstly, description at page 10, line 5-7 merely recites fig 2, step 22-23, further do not specifically details with respect to fig 4A-4B for example how fig 4A-4B are related to **“one or more transaction, each having a key and a detail”** as claimed in claim 1,8,15. One of ordinary skill in the art would not speculate as to what kind of **“detail”** related to key or specific key, furthermore, in the specification, examiner noted that fig 4A-4B merely “screen shots or captures” without specifically explaining each line item and corresponding description[s].

b) At page 6, claims 1,8,15, second paragraph, applicant argues that “examiner also cites fig 3B for not showing element numbers. Appellants disagree with this rejection. The element numbers 31-33 of fig 3 are already shown in fig 3A. One of ordinary skill would immediately recognize from the break lines shown that fig 3B is a

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horizontal continuation of fig 3A. The two together form fig 3. Element numbers 31-33 do not need to be shown in fig 3B.

As to the above argument [b], examiner disagrees with the applicant because, in the specification, at page 10, line 16-20 is related to fig 3, although fig 3A have elements 31-33. It is however, unclear how "3A, element 31-33", related to which part of fig 3B. Where is complete fig 3B description in the specification? According to appellant's arguments, element numbers 31-33 do not need to be shown in fig 3B.

c) At page 7, claims 1,8,15, applicant argues that "As noted above, the *Specification on page 9, starting at line 1, clearly describes what is meant by "transactions" having a key and a detail.*"

As to the argument [c], As best understood by the examiner, it is not clear what is meant by "one or more transactions, each having a key and a detail"? with respect to specification. In the specification, page 9, line 2-3 describes "**the transactions each have a key and a detail**", it is still not clear whether it "transaction key detail? Or transaction details and key detail together?. In the office action, examiner treated transactions and key details in a database related to record identifier and associated attributes.

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d) At page 7-8, claim 1, applicant argues that Brodersen's element 315 of fig 9 is clearly not included in database 3 and 23a. In fact, element 315 is a server, not an agent and database 305 resides on server 315 rather than the other way around. The examiner has incorrectly identified element 315 as appellant's agent.

As to the argument [d], examiner disagree with the applicant because, firstly, Broaderson is directed to distributed databases, more specifically, workgroup serves and workgroup clients are connected through network with central database [see fig 9], further it is noted that transaction log resident on each workgroup client ie., processing transactions corresponds to transactions entered into transaction log as detailed in col 3, line 5-11. Secondly, Broderson specifically teaches logical database configured to support multi-user docking clients, further each processing client or server have the ability to access master database directly [see fig 9, 14-17] related to transactions. Thirdly, Broderson also teaches master database periodically exchange data with multiple multi-user workgroup databases such as workgroup database element 305 [col 15, line 31-33], as best understood by the examiner [see specification page 5, line 2-6, 21-23], Broderson specifically suggests processing requests or exchange data among other workgroup databases with their respective agent, and therefore, plurality of processing databases corresponds to fig 9, element 3, 23a,305 and their respective agent corresponds to fig 9, element 315.

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e) At page 8, claim 1, applicant argues that “there is no description of a key and detail in col 16, line 21-26. Nor have appellants found anywhere else in Brodersen any description or suggestion of a key and a detail.....

As to the argument [e], examiner disagree with applicant because, Broderson specifically teaches “transaction log” associated with “transaction file”, further these transaction log records are resident workgroup database as detailed in col 16, line 21-26, therefore, description of a key and detail corresponds to Broderson’s transaction log and related to respective log details related to “transaction file”. Examiner further point out “description of a key and detail” in the prior of Broderson for example col 15, line 58-65, col 16, line 53-62, therefore, Brodersen specifically teaches creating transaction logs and respective detailed transaction file and processing transactions as detailed in col 16, line 21-26.

f) At page 8, claim 1, applicant argues that “although Brodersen describes updating transactions into a master database, there is absolutely no description or suggestion of doing this by using the key and detail as required by Appellants’ claim 1”.

As to the above argument [f], examiner disagree with the applicant because, Brodersen specifically teaches “transaction log” details or entries are copies on the “master database” [see fig 9] and further “updating” the transaction into master database as detailed in col 16, line 37-40, col 17, line 37-41.

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Examiner also applies above arguments to independent claims 8,15 and claims 2-7,9-14,16-19 depend from claims 1,8,15.

Therefore, Applicant's remarks are deemed not to be persuasive, and claims 1-19 stand rejected under 35 USC 103 as unpatentable over Brodersen in view of Raz.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



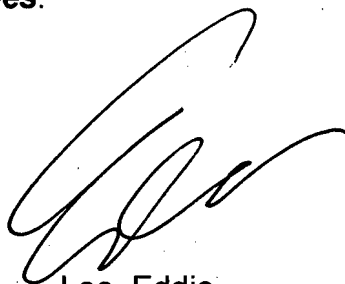
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